



REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2014-26 **LEGISTAR: #20141207**

LANDOWNERS: Paragon Partners, LLC
409 Santa Monica Boulevard
Suite 2E
Santa Monica, CA 90401

APPLICANT: Elliott Homes Ltd.

AGENT: Mr. Garvis L. Sams, Jr.
Sams Larkin Huff & Balli, LLP
Suite 100
376 Powder Springs Street
Marietta, GA 30064-3448

PROPERTY ADDRESS: 1651 Gilbert Road

PARCEL DESCRIPTION: Land Lot 02510, District 20, Parcel 0910

AREA: 15.14 ac. **COUNCIL WARD:** 4

EXISTING ZONING: R-20 (County)

REQUEST: R-2 (Single Family Residential – 2 units/acre) City

FUTURE LAND USE MAP

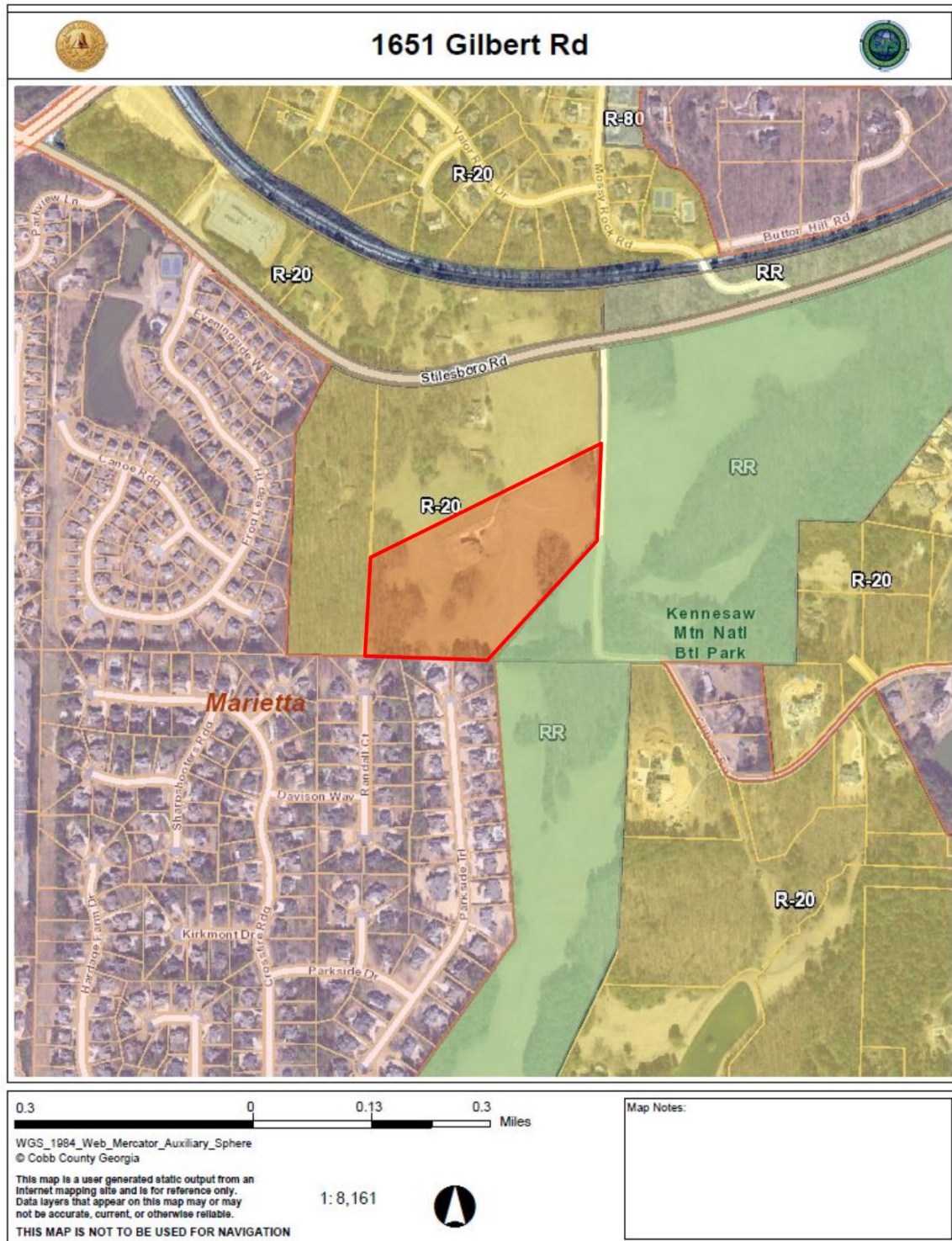
RECOMMENDATION: LDR (Low Density Residential)

REASON FOR REQUEST: The applicant is requesting to rezone and annex this property in order to develop a single family residential subdivision on the site.

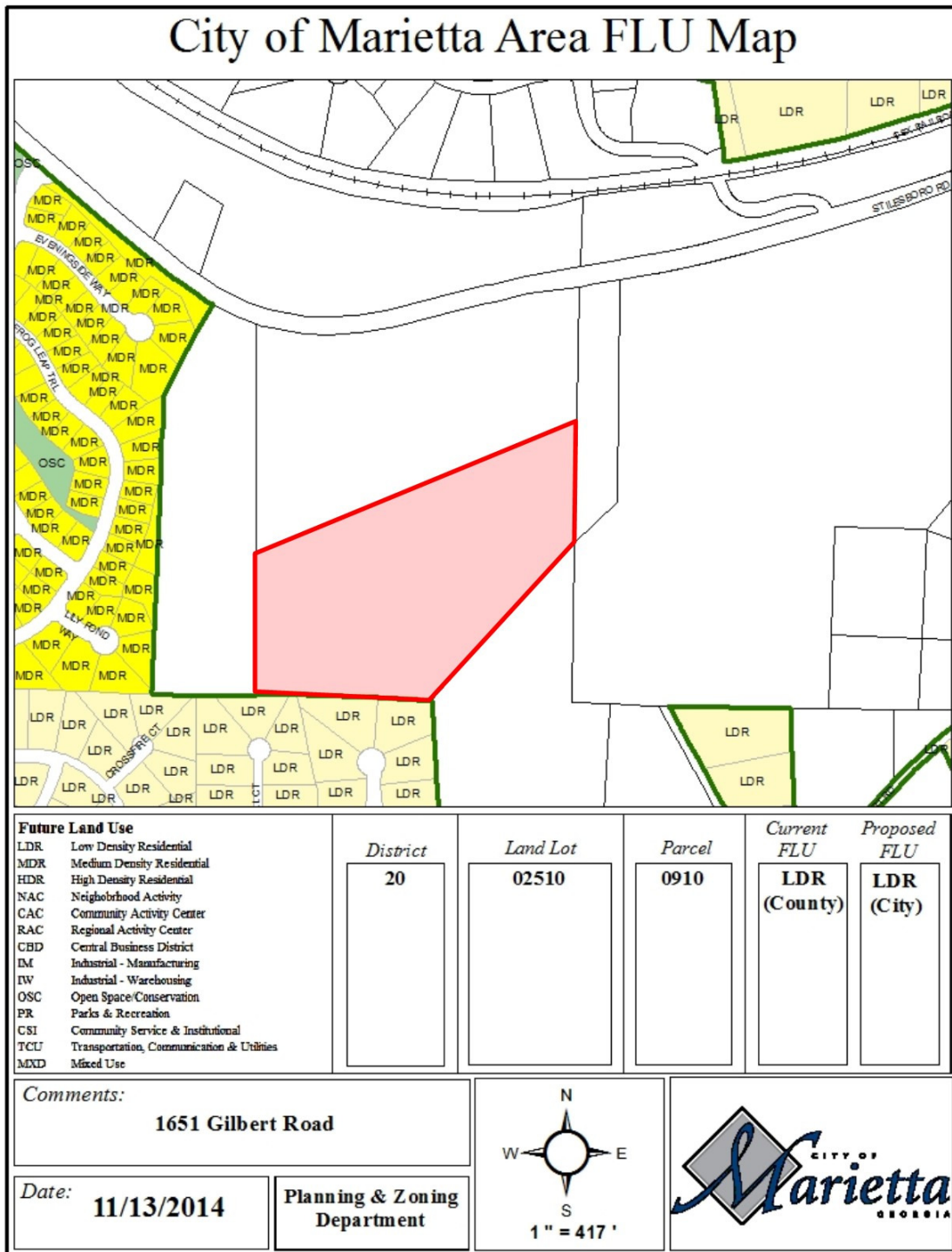
PLANNING COMMISSION HEARING: Tuesday, December 2, 2014 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, December 10, 2014 – 7:00 p.m.

MAP



FLU MAP



PICTURES OF PROPERTY



View of 1651 Gilbert Road



View of 1651 Gilbert Road

STAFF ANALYSIS

Location Compatibility

The property owner, Paragon Partners, LLC, is requesting the annexation and rezoning of a 15.14 acre parcel located off of Gilbert Road, near Stilesboro Road in Cobb County, so it may be developed as a single family residential subdivision with approximately 13 lots. The Kennesaw Mountain National Battlefield Park is adjacent to this property to the east and south. To the south is Hardage Farms, a residential subdivision zoned R-2. To the north and to the west are large parcels of property zoned R-20 located in Cobb County.

Use Potential and Impacts

The development of a thirteen (13) lot residential subdivision is less dense than nearby existing subdivisions, but consistent with the residential development pattern of the area. The submitted plans indicate the density will only be 0.86 units per acre (13 units / 15.18 acres). As a result, this development should have minimal impact on the surrounding residences.

It should be noted R-2 is not a site-specific zoning such as PRD-SF or PRD-MF. The allowable density for R-2 would typically allow up to thirty (30) lots to be built on 15 acres. However, city code requires minimum lot size for parcels on septic systems be at least one acre in size. This would limit the subdivision of this parcel to a maximum of fifteen (15) individual lots.

The current future land use of the property in Cobb County is VLDR (Very Low Density Residential), which is described as being suitable for areas that do “*not have basic services such as sewer, or where the existing or desired development pattern is zero to two (2) dwelling units per acre.*” The future land use designation of the surrounding properties in the City is LDR (Low Density Residential), which is the City’s least intense residential future land use category by allowing no more than three (3) units per acre. The requested zoning district of R-2 is compatible with the future land use for both Cobb County and the City.

Environmental Impacts

There is no indication of any endangered species on the property. Street trees will be required along the roadway based on the lineal frontage. Existing trees may be used to satisfy this requirement as long as they are continuously protected throughout construction. Otherwise, replacement trees will be required.

STAFF ANALYSIS CONTINUED

Economic Functionality

The property is currently zoned R-20 in Cobb County, which would allow a similar subdivision and use of land to what is being requested. This indicates that the property is economically viable as-is. However, the applicant wishes for the property to be located within the city limits under City of Marietta regulations.

Infrastructure

Although the additional lots will cause an additional impact on the existing transportation, education, and water infrastructure, the burden of thirteen additional homes should not be substantial.

The nearest sanitary sewer line is approximately 3,800 feet to the southwest. Whenever a sanitary sewage system is not available within a reasonable distance, septic tanks may be permitted upon obtaining special permission of the Cobb County Health Department. For septic tank installation, the minimum lot size shall be one (1) acre with one hundred (100) feet of road frontage, or greater if required by the health department. This lot width requirement also mimics that required of lots zoned R-2.

The Public Works Department has commented that although Gilbert Road is a gravel surface - and City Code requires a paved road - Gilbert Road is partially owned by the Kennesaw Mountain Battlefield Park. It has been determined that the road may continue to be gravel surface as required by the National Park Service, and as agreed to with the Fire Department. However, enough right of way must be donated to provide a total width of 40 feet; and this additional width will be part of the annexation. However, the Public Works Department recommends that a paved road serve a development of this magnitude (13 lots).

History of Property

The City has no records of any rezonings, variances, or special land uses for this property.



ANALYSIS & CONCLUSION

The property owner, Paragon Partners, LLC, is requesting the annexation and rezoning of a 15.14 acre parcel located off of Gilbert Road, near Stilesboro Road, in Cobb County so it may be developed as a single family residential subdivision with approximately 13 lots. The Kennesaw Mountain National Battlefield Park is adjacent to this property to the east and south. To the south is Hardage Farms, a residential subdivision zoned R-2. To the north and to the west are large parcels of property zoned R-20 located in Cobb County.

The development of a thirteen (13) lot residential subdivision is less dense than existing subdivisions, but consistent with the residential development pattern of the area. The submitted plans indicate the density will only be 0.86 units per acre (13/15.18). As a result, this development should have minimal impact on the surrounding residences.

It should be noted R-2 is not a site-specific zoning such as PRD-SF or PRD-MF. The allowable density for R-2 would typically allow up to thirty (30) lots to be built on 15 acres. However, city code requires minimum lot size for parcels on septic systems be at least one acre in size. This would limit the subdivision of this parcel to a maximum of fifteen (15) individual lots.

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The current future land use of the property in Cobb County is VLDR (Very Low Density Residential), which is described as being suitable for areas that do “*not have basic services such as sewer, or where the existing or desired development pattern is zero to two (2) dwelling units per acre.*” The future land use designation of the surrounding properties in the City is LDR (Low Density Residential), which is the City’s least intense residential future land use category by allowing no more than three (3) units per acre. The requested zoning district of R-2 is compatible with the future land use for both Cobb County and the City.

Prepared by: _____

Approved by: _____



DATA APPENDIX

CITY OF MARIETTA - WATER

Is a water line adjacent to the property? No

If not, how far is the closest water line? Contact Cobb County

Size of the water line? _____

Capacity of the water line? _____

Approximate water usage by proposed use? _____

CITY OF MARIETTA - SEWER

Is a sewer line adjacent to the property? No

If not, how far is the closest sewer line? Contact Cobb County

Size of the sewer line? _____

Capacity of the sewer line? _____

Estimated waste generated by proposed development? A.D.F Peak

Treatment Plant Name? _____

Treatment Plant Capacity? _____

Future Plant Availability? _____

DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERNS

Does flood plain exist on the property:	NO
What percentage of the property is in the flood plain?	---
What is the drainage basin for the property?	Noonday Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	NO
If so, is the use compatible with the possible presence of wetlands?	---
Do stream bank buffers exist on the parcel?	NO
Are there other topographical concerns on the parcel?	NO
Are the storm water issues related to the application?	YES – drainage easement for State Water that does not require a buffer
Potential presence of endangered species in the area?	NO

Transportation

What is the road effected by the proposed change?	Gilbert Rd
What is the classification of the road?	Local
What is the traffic count for the road?	---
Estimated # of cars generated by the proposed development?	---
Estimated # of trips generated by the proposed development?	---
Do sidewalks exist in the area?	NO
Transportation improvements in the area?	NO
If yes, what are they?	---

- Site Plans will be required for construction. Plans must include, driveways, erosion-sedimentation-and pollution control plan, stormwater management (preventing concentrated flows from adjacent property in a detention basin), stormwater quality (bioretention or other), and any other applicable improvements required by City Code and Georgia Stormwater Management Manual. Additional comments will be made at time of site plan submittal, if it is required. There can be no point discharge onto adjacent property which is not into a stream, defined drainageway, or storm sewer. Discharge will not be allowable at the property line, or into the street R.O.W. If easements are required for drainage through adjacent property, then the owner is to obtain.

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- The stormwater detention basin must be contained on its own site, and not be a part of any lot. It must be maintained by a permanent Homeowners Association via a Stormwater Management Agreement, and not maintained by any one homeowner.
 - A sediment basin / stormwater detention basin is required for private road construction as well as for the 13 lots in the proposed subdivision. Erosion & Sediment Control on the individual lots may be provided on an individual lot basis unless the entire lots are disturbed.
 - Development must be per the NPDES General Permit GAR100003 – Common Development.
 - Since the subdivision is 3 lots or greater, the access from Gilbert Road must be a private road, not an access easement. R.O.W. is 50', and the road must be constructed per City specifications and inspected.
 - Gilbert Road is a gravel surface. City Code requires a paved road. However, Gilbert Road is partially owned by the Kennesaw Mountain Battlefield Park. Enough right-of-way must be donated to provide a total width of 40 feet. This additional width will be part of the annexation. The road may continue to be gravel surface as required by the National Park Service, and as agreed to with the Fire Dept. This process will allow an abandonment / exchange of R.O.W. However, the Public Works Department recommends that a paved road serve a development of this magnitude (13 lots).
 - See Gated Entrance requirements attached next page

Gated Entrances

- ❑ The proposed gate poses potential problems for emergency vehicles and City waste collection. See comments on attached page (Notes to be added to plans and language to be added to Plat, Deed, and Restrictive Covenants concerning proposed Entrance Gate from Gilbert Road).
- ❑ The Entrance Gate shall be located at least fifty feet (50') from the Gilbert Road R.O.W. (proposed R.O.W. if different from existing)
- ❑ The Entrance shall be made adequate to allow turn-around of a passenger car ("P" under AASHTO standards) with a median in the event a vehicle accesses the entrance but must turn-around and leave, and still allow the stacking of two vehicles behind.

Notes to be added to plans and language to be added to Plat, Deed, and Restrictive Covenants concerning proposed Entrance Gate from Gilbert Road:

1. Developer, his successors in title and all subsequent owners shall be liable in the event the City or other emergency vehicles must "crash" the gate to obtain entry for emergency purposes. Such liability shall include damage to the gate and accompanying equipment as well as any and all damage to the emergency vehicle or personnel. The decision on whether or not to crash the gate shall be left within the sole discretion of the driver of the emergency vehicle.
2. Neither the City nor any other emergency provider shall be liable to the owner, occupant, employee, invitee, guest or purchaser for delay caused by not being able to obtain access to any person or home needing emergency service of said gated community.
3. Developer and all subsequent owners shall and do hereby indemnify, release and hold harmless the City of Marietta, its Mayor, its elected officials, its employees, its agents and all emergency providers and their agents from any and all claims of any parties arising out of delays or non-entry into the gated community. This indemnity, release and hold harmless shall apply to claims of all parties, including occupants of the subdivision, their guests, and any and all persons located within the gated community.
4. Developer and all subsequent owners shall allow the City and other vehicles immediate access on a twenty-four (24) hour basis to the gated community. Neither the City nor any emergency provider shall be liable in the event that the access code should become available to other parties.
5. This and the matters contained herein shall be binding upon any subsequent homeowners association formed by the developer or the lot owners. All property held by the homeowners association shall be subject to this agreement and all property held by the homeowners association shall be subject to the covenants as stated.
6. The above covenants shall be placed on the approved subdivision plat recorded on the deed records of Cobb County, Georgia, shall be placed in any by-laws of the homeowners association and shall be referenced in each deed of conveyance from the developer to each subsequent lot/home purchaser.
7. Developer and all subsequent owners shall arrange for access for all non-emergency vehicles, such as garbage pick-up, cable and other utility service.



EMERGENCY SERVICES

Nearest city or county fire station from the development? Station 17 (Cobb County)

Distance of the nearest station? 3.6 miles

Most likely station for 1st response? Station 17 (Cobb County)

Service burdens at the nearest city fire station (under, at, or above capacity)? none

Additional comments: 11/20/14: The fire department requests hydrant flow calculations for the largest home plan. If needed fire flow cannot be met, the homes are to be sprinkled.

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes _____ No X

If not, can this site be served? ***Possibly***

What special conditions would be involved in serving this site?

Marietta Power could serve these sites if the current residential units were demolished and new non-residential buildings were erected.

Additional comments:



DATA APPENDIX CONTINUED

MARIETTA CITY SCHOOLS

Marietta City Schools Impact Assessment:

Elementary School Zone Servicing Development: West Side Elementary

Grades six (6) through twelve (12) will be serviced by:

- Marietta Sixth Grade Academy
- Marietta Middle School
- Marietta High School

Current Capacity at Servicing Elementary School: 350 - 450

Current Capacity at Marietta Sixth Grade Academy: 800 - 900

Current Capacity at Marietta Middle School: 1,300 – 1,400

Current Capacity at Marietta High School: 2,500 – 2,600

Current Enrollment at Servicing Elementary School: 520

Current Enrollment at:

- Marietta Middle School: 1,315
- Marietta High School: 2,062

Number of students generated by present development: 0

Number of students projected from proposed development at: 3

New School(s) planned that might serve this area: None

Comments: